

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appln. Ser. No.:	Filed:	Inventor(s):	Atty Dkt:
09/891,881	06/26/2001	J. Voorhees	100UM-010A
Title: Use of EGF-R Protein Tyrosine Kinase Inhibitors			
Examiner: R. Winston		Art Unit: 1654	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

2 Pages Total **VIA FACSIMILE**
571-273-0972

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In complete and timely response to the Office Action mailed 30 January 2004, Applicants hereby elect, with traverse, the invention of Group II, claims 8-16, and elects the species of P-450 inhibitors in combination with the EGF-R inhibitor in a dermatologically suitable carrier.

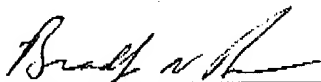
Applicants traverse on the grounds that the cited US 20030203901 is directed merely to novel compounds that can inhibit EGF-R, and not to a combination of an EGF-R inhibitor with a P-450 inhibitor. (Such compounds are now also known as CYP-26 inhibitors.) In addition, the Group II claims require the presence of a "dermatologically suitable carrier." Thus, it is traversed that the composition as claimed could be used for tumor therapy as described in the '901 publication.

Further, regarding the statement that these Groups have acquired a separate status in the art,

If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP 803.

Thus, according to the MPEP, separate classification is not sufficient if the entire case can be searched at once; here, a heater control circuit requires a heater to have utility and, as shown, the claimed control circuit requires the elements of the claimed heater, although not necessarily arranged as recited for the heater *per se*. Accordingly, withdrawal of the restriction requirement is believed to be warranted.

Respectfully submitted,



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27 February 2004

**CERTIFICATE OF MAILING OR
TRANSMISSION – 37 CFR 1.8**

I hereby certify that I have a reasonable basis that this paper, along with any referred to above, (i) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, or (ii) are being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.6(d).

DATE: 27 February 2004

NAME: BRAD RUBEN

SIGNATURE: Brad Ruben

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